

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(PHILADELPHIA)**

IN RE:

Karen Paulk
Debtor

CHAPTER 13

CASE NO.: 22-12991-pmm

HEARING DATE: 08/07/2024

TIME: 1:00pm

LOCATION: Courtroom #1

**MOTION OF CARRINGTON MORTGAGE SERVICES, LLC AS SERVICER FOR
WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH
MORTGAGE LOAN TRUST F FOR RELIEF FROM THE AUTOMATIC STAY
PROVISIONS OF 11 U.S.C. § 362(A) AND RELIEF FROM THE CO-DEBTOR STAY
PROVISIONS OF 11 U.S.C. § 1301 TO PERMIT MOVANT TO COMMENCE OR
CONTINUE FORECLOSURE PROCEEDINGS ON 7 VAN HORN PLACE, HOLLAND,
PA 18966**

AND NOW COMES, Carrington Mortgage Services, LLC as servicer for Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust F (“Movant”), by and through its attorneys, Hill Wallack LLP, and respectfully represents as follows:

1. This Motion (the “Motion”) is filed by Movant for relief from the automatic stay provisions of 11 U.S.C. §362(a) to permit Movant to commence or continue its foreclosure on real property located at 7 Van Horn Place, Holland, PA 18966 (the “Mortgaged Premises”).

2. On or about April 29, 2005, Karen Paulk (“Debtor”) and Steven Paulk Jr (“Co-Debtor”) executed and delivered to Wachovia Mortgage Corporation, a Promissory Note (“Promissory Note”) in the principal amount of \$213,214.00. A true and correct copy of the Promissory Note is attached hereto and made a part hereof as Exhibit “A.”

3. To secure the obligations under the Promissory Note, Debtor and Co-Debtor, granted to Mortgage Electronic Registration Systems, Inc. as nominee for Wachovia Mortgage Corporation, its successors and assigns, a valid, enforceable, and recorded first lien and mortgage (the “Mortgage”) on the Mortgaged Premises, all of the terms of which are incorporated herein by reference as if fully set forth at length, which Mortgage was thereafter recorded in the Bucks County Recorder of Deeds Office on May 12, 2005 in Book 4436 at Page 1849. A true and correct copy of the Mortgage is attached hereto and made a part hereof as Exhibit “B.”

4. Movant is the current mortgagee by virtue of an Assignment of Mortgage. A true and correct copy of the full recorded Assignment of Mortgage Chain is attached hereto and made apart hereof as Exhibit "C."

5. On or about June 28, 2017, Debtors entered into a loan modification agreement with the prior servicer. The loan modification agreement modified the maturity date of the Mortgage and the principal balance of the Promissory Note. A true and correct copy of the loan modification agreement is attached hereto and made a part hereof as Exhibit "D."

6. On November 8, 2022, Debtor filed a petition for relief under Chapter 13 of the United States Bankruptcy Code.

7. The Debtor listed the current value of the Mortgaged Premises in their Schedule A/B in the amount \$302,000.00.

8. As of the petition date, Movant is the holder of a secured claim in the amount of \$290,193.14 with pre-petition arrears due in the amount of \$76,890.43 together with additional legal fees and costs and taxes due and payable on the Mortgaged Premises per the Proof of Claim 4-1 filed January 13, 2023.

9. The current monthly payment on the Mortgage is \$1,813.31 per the Notice of Payment Change filed November 27, 2023.

10. Debtor is currently in arrears post-petition for failure to pay the post-petition payments due April 1, 2024 through July 1, 2024 in the amount of \$7,253.24 (\$1,813.31 x 4 months) minus \$1,414.10 in suspense, for a total of \$5,839.14. A true and correct copy of the post-petition ledger is attached hereto and made a part hereof as Exhibit "E."

11. Consequently, Movant is entitled to relief from the automatic stay pursuant to 11 U.S.C. § 362(d) and relief from the co-debtor stay pursuant to 11 U.S.C § 1301 as the Debtor and Co-Debtor have defaulted on post-petition payments.

WHEREFORE, Carrington Mortgage Services, LLC as servicer for Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust F respectfully requests that this Court enter an Order granting relief from the automatic stay provisions of 11 U.S.C. § 362(a) and

granting relief from the co-debtor stay provisions of 11 U.S.C. § 1301 to allow Movant to proceed in its foreclosure of the Mortgaged Premises, to name the Debtor in the foreclosure suit solely for the purpose of foreclosing their interests in the Mortgaged Premises, and to allow Movant, or any other purchaser at the Sheriff's Sale, to take any legal action necessary to gain possession of the Mortgaged Premises.

Respectfully submitted,

By: /s/ Angela C. Pattison
Angela C. Pattison, Esq.,
Attorney ID 307611
Hill Wallack, LLP
1415 Route 70 East, Suite 309
Cherry Hill, NJ 08034
Telephone 856-616-8086
Facsimile 856-616-8081
Email: apattison@hillwallack.com